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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,007	07/14/2003	Albert Chenouda Salib	203-0815 (FGT-1868PA)	6034
28549	7590	01/31/2005	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,007

Applicant(s)

SALIB ET AL.

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-18 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi et al [6,324,458].

Takagi et al discloses a device for controlling vehicle turn behavior with discrimination of direction. According to Takagi et al, there is provided determining when the vehicle is in a transitional maneuver (column 1), determining a relative roll angle (condition), and when the vehicle is in the transitional maneuver, setting a roll control signal for the roll

angle. As described in column 2, the relative roll angle is compared to a threshold value.

Furthermore, according to Takagi et al, safety control system, engine and brake systems are controlled in response to the roll control signal.

3. Claims 1-2, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyers et al [US 2003/0163231].

Meyers et al discloses a roll over stability control for an automotive vehicle. According to Meyers et al, there is provided determining roll condition (figure 8, page 4), determining when the vehicle is in a transitional maneuver (page 1), and when the vehicle is a transitional maneuver setting a roll control signal for the relative roll angle (figures 7, 8). Meyers et al also discloses determining when the inside wheels of the vehicle are grounded when the vehicle a transitional maneuver to set the roll control signal for the relative roll angle. Furthermore, Meyers et al discloses operating a safety system in response to the roll control signal (pages 4 and 5).

Allowable Subject Matter

4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 8-18 are allowed.

Response to Arguments

6. Applicant's arguments filed on November 10, 2004 have been fully considered but they are not persuasive.

The rejection under 35 USC 112, 2nd paragraph has been withdrawn.

First, it is noted that Applicant argued limitations that are not recited in the claims.

The features upon which applicant relies (i.e., “the roll angle is the angle between the wheel axle and the body”) are not recited in the rejected claim(s). Applicant also argued “the roll signal for control is a specific angle that is determined based on various conditions as set forth in the specification.” None of these features is recited in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding the US Patent application publication to Meyers et al (US 20030163231), Applicant admitted that Meyers et al reference “teaches a relative roll angle as set forth in Fig. 8.” However, applicant argued that there is no teaching of determining when the vehicle is in a transitional maneuver. The examiner disagrees. Meyers et al discloses the roll over stability control for the vehicle when the vehicle is “turning”, i.e., during a transitional maneuver. That is, the vehicle was going in one direction and changed to go another direction. See left column of page 1. Meyers et al also discloses applying or setting a roll signal (e.g., figures 9-11) for control to the relative roll angle.

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As to the Chubb ('849) and Takagi ('458) references, Applicant argued that none of these references teaches determining the relative roll angle. However, Applicant's basis for this argument is not recited in the claims, as mentioned above.

Notwithstanding Applicant's arguments with respect to the Chubb patent, such rejection has been withdrawn. Chubb does not particularly and explicitly disclose the transitional maneuver and setting the roll signal fir control when the vehicle is in the transitional maneuver.

As to the Takagi et al patent, the reference discloses the transitional maneuver, i.e. turning behavior or condition. Based on the turning behavior (transitional maneuver) of the vehicle, a roll control signal is established. See figures 2A, 2B and 3.

In light of the above, claims 1-2, 4-7 remain rejected over Meyers et al and Takagi et al and the rejection applying the Chubb patent has been withdrawn. Claims 8-18 are allowed and Claim 3 is objected to as being dependent upon a rejected base claim.

Accordingly, this office action is made final.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER